

### **REMARKS**

In accordance with the forgoing, claims 1 and 16 have been amended.  
Claims 1, 3-12, 14-16, 18-27 and 29-30 are pending and under consideration.

#### **I. Rejections Under 35 USC § 102**

Claims 1, 4, 5, 7, 8, 13 14, 16, 19, 20 22-24, 26, 28 and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,198,969 to Kuzma ("Kuzma"). Applicants respectfully assert that the claims of the present invention are patentably distinguishable from Kuzma and the rejection is respectfully traversed.

Claims 13 and 28 were previously canceled, rendering the rejection of those claims moot.

The present invention is directed to a connector assembly that includes a deflectable substantially **U-shaped connector clip** including a first deflectable arm with a free end, a second deflectable arm with a free end, ..., **the first arm and the second arm detachably positioning the proximal end of the lead** within the implantable medical device. (independent claims 1 and 16, emphasis added) The Examiner refers to clamp 30, as seen in Figures 1 and 2, of Kuzma with respect to the connector clip of the present invention.

As described by Kuzma, Kuzma teaches that the clamp "fits over the top of the receiver so as to apply a compressive force to both sides of the receiver. **The compression provided by the clamp not only assures proper electrical contact ...**, but also deforms the flexible soft walls of the receiver to **provide the necessary electrical insulation and sealing between the connection points.**" (col. 2, lines 6-14, emphasis added) Kuzma further discloses that "receiver 20 is typically connected at a proximal end of an implantable lead." (col. 4, lines 14-15) As such, Kuzma does not teach or suggest that the clip **detachably positions** the proximal end of the lead within the device.

With respect to the above, the Examiner refers to receiver 20 of Kuzma as the connector clip aperture of the present invention. According to the cited references above and the Examiner references, Kuzma's teaches compression of the clip applied to the connector clip provides proper electrical contact. However, an aperture is "an opening or open space." *Merriam-Webster Online Dictionary*, 2008. In this manner, compression of an opening would then provide electrical contact. This is unlike the present invention.

Independent claims 1 and 16 also include the limitations of "a connector clip aperture to provide side access to the channel and receive the U-shaped connector clip." As noted above, the Examiner refers to receiver 20 of Kuzma as the connector clip aperture of the present invention. Kuzma discloses a "soft or compliant receiver made from silicone rubber or a similar compliant material is adapted to slide or snap over the output bracket." (col. 2, lines 34-36) Kuzma further discloses that "[m]etal pins are formed in the side walls of the receiver." (col. 2, lines 38-39) Kuzma also discloses "metal contacts or pins 21 in the receiver 20 are positioned so as to match or 'align' with corresponding metal contacts 11 of the output bracket 10 when the receiver 20 is placed over the output bracket" and that the "contacts 21 of the receiver 20 are configured to be flush with the inside surface of the channel 24." (col. 4, lines 50-56) Therefore, Kuzma teaches a receiver made of compliant material that is configured with a channel having metal contacts, and not an opening which provides access to the channel.

Further, independent claims 1 and 16 also include the limitations of a housing portion forming a connector block "having a longitudinal channel extending along a central axis within the housing portions to receive a proximal end of a lead." Kuzma does not teach or suggest these limitations. The Examiner refers to Kuzma's output bracket 10 with respect to the connector block of the present invention. Kuzma teaches that "receiver 20 is typically connected at a proximal end of an implantable lead." (col. 4, lines 14-15) In this manner,

Kuzma does not teach or suggest the output bracket 10, or connector block of the housing, receiving the proximal end of an implantable lead, as recited in the present invention.

Therefore, independent claim 1 and claims 4-5, 7-8 and 14 dependent thereon and independent claim 16 and claims 19-20, 22-24, 26 and 29 dependent thereon are patentably distinguishable from Kuzma. Accordingly, withdrawal of the rejection is respectfully requested.

### III. Rejections Under 35 U.S.C. § 103

Claims 1, 3-16 and 18-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Stutz, Jr. U.S. Patent No. 5,413,595 to Stutz, Jr. ("Stutz"). Applicants respectfully assert that the claims of the present invention are patentably distinguishable from Stutz and the rejection is respectfully traversed.

The present invention is directed to a connector assembly that includes a deflectable substantially **U-shaped connector clip**. Stutz does not teach or suggest this limitation. Stutz discloses a "**forked clip 56** shown in FIGS. 1 and 3 [that] includes **two prongs 80 and 82, which converge at an angle radially inward** from their distal tips." (col. 4, lines 31-33) Stutz further discloses that "prongs 80 and 82 also preferably **define a generally part-circular cutout 90.**" (col. 4, lines 37-38) Additionally, Stutz discloses that the "forked clip 56 also preferably includes a **tab 92 . . . [which] lay[s] against the outer surface** of the header," (col. 5, lines 22-25 and Fig. 1); the tab thereby being essentially perpendicular to the prongs. As described above, Stutz does not teach or suggest a U-shaped connector clip as set forth in independent claims 1 and 16 of the present invention.

Amended independent claims 1 and 16 further include the limitations of "a first deflection portion **fitting between free ends** of the first arm and the second arm upon insertion of the connector clip **within the connector clip aperture**, the

first deflection portion **causing the connector clip to deflect from a non-biased first position prior to insertion**, corresponding to a first distance between the first arm and the second arm, **upon insertion of the connector clip into the connector clip aperture**, to a **second position** corresponding to a **second distance, greater than the first distance** between the first arm and the second arm.” The Applicants submit that Stutz does not teach or suggest this limitation.

Stutz discloses that, **[d]uring initial insertion** of the forked clip 56 into the slot 58, **the prongs 80, 82 converge or bend inward** to allow the barbs 96, 98 to pass within the walls of the slot 58.” (col. 5, lines 34-38) In this manner the slot is configured such that the walls positioned outside the prongs, not anything between the prongs, changes the position of the prongs during insertion. Further, the prongs converge inward during insertion, and not outward, from a non-biased first position. This is unlike the present invention in which there is a first deflection portion that fits **between free ends** of the arms and causes the arms to **deflect outward**.

As noted in the Office Action, the Examiner considers that the first position is prior to complete insertion into the slot and is a “closed” position. The Examiner further considers that the second position is upon complete insertion into the slot and is the “open” position. However, Stutz discloses three positions of the forked clip, prior to the insertion of the lead. As noted above, Stutz discloses a forked clip which converges inward during initial insertion, thereby requiring the clip to go from a non-biased first position to a biased “closed” second position, wherein the **second distance between the arms is less than the first distance**. Next, Stutz discloses that “once the forked clip 56 is inserted into the slot 58 to the ‘open’ position, the barbs 96, 98 will prevent the forked clip 56 from being fully removed from the slot 58.” (col. 5, lines 38-41) As such, Stutz teaches that the clip is in a biased third position upon complete insertion. As such, Stutz fails to teach or suggest the limitations of the present invention.

**III. Provisional Rejections**

The provisional rejections of the claims on the basis of the judicially created obviousness typed double patenting based upon Application Nos. 10/632,058 and 10/632,026 are noted. Both of those applications are still pending, and claims have not yet been allowed in either case. Therefore, response to the provisional rejections is not necessary at this time.

**IV. Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Any inquiry regarding this Amendment and Response should be directed to Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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